

In re: Merisant Company v. Mark Siegel (In re: Mark Siegel)

Case No.: 04-24418-BKC-RBR

Adv. No.: 04-2298-BKC-RBR-A

THIS MATTER came before the Court on the Motion By Plaintiff/Creditor For Summary Judgment against the Defendant/Debtor Mark Siegel. Creditor asserts that the findings of fact and conclusions of law made by the District Court do support adoption of the collateral estoppel doctrine to conclusively determine the issues raised in the complaint wherein Creditor seeks a determination that the monetary judgment obtained against Debtor is not dischargeable under the provisions of 11 U.S.C. § 523(a)(6). The Court found that the Creditor's position fails on several principles of the doctrine which has been summarized as follows: (1) a full and fair opportunity to litigate the issue in the prior case; (2) identity of the issues in each case; (3) actual litigation of the issue by the same parties; (4) the issue litigated must have been a critical and necessary part of the judgment entered in the prior case; and (5) the standard of proof must have been at least the same as required in the case where the doctrine is sought to be applied.